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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/756,906

01/10/2001

Errol O. Kendall

1986.002.00

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09/02/2009

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3695

MAIL DATE

DELIVERY MODE

09/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/756,906	Applicant(s) KENDALL ET AL.	
	Examiner THU-THAO HAVAN	Art Unit 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 and 44-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 and 44-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

Claims 1-42 and 44-55 are pending. This action is in response to the amendment received May 11, 2009.

Response to Arguments

Applicant's arguments with respect to claims 1-42 and 44-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-42 and 44-55 are rejected under 35 U.S.C. 102(e) as being anticipated by King et al. (US 5,704,045).

Re claim 1, King teaches a method of processing a financial product (abstract) comprising: receiving a request for a financial product and information including risk about a party requesting the financial product (col. 12, lines 1-50); preparing a bid

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solicitation for the financial product based on the request and information and transmitting the bid solicitation to a plurality of product carriers (col. 23, lines 7-16); receiving a proposal for providing the financial product submitted by at least one of the plurality of product carriers (figs. 1-2); and generating by a computer-based product value appraisal system a rating corresponding to the proposal, wherein said proposal includes both guaranteed and illustrated costs and benefits of the product (col. 22, line 30 to col. 23, line 16).

Re claim 2, King teaches providing the rating to the at least one product carrier; allowing the at least one product carrier to revise the proposal based on the rating; and receiving a final proposal provided by at least one of the product carriers (col. 7, line 45 to col. 8, line 65).

Re claim 3, King teaches generating an appraisal for the proposal; and informing the at least one product carrier of a decision based on the appraisal (col. 22, lines 30-67).

Re claim 4, King teaches proposal for providing the financial product is submitted by each of the plurality of product carriers (fig. 3).

Re claim 5, King teaches making an appraisal corresponding to each proposal from the product carriers; and selecting one of the product carriers based on the appraisal (fig. 4).

Re claim 6, King teaches generating a rating corresponding to each of the proposals from the product carriers; providing each rating to a corresponding one of the product carriers; allowing each of the product carriers to revise the proposal based on

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the rating; each of the product carders having an option to maintain the proposal or revise the proposal; and providing a revised rating for each revised proposal~ wherein said proposal includes both guaranteed and illustrated costs and benefits of the product (col. 23, lines 17-30; figs. 3-4).

Re claim 7, King teaches making an appraisal corresponding to each of the ratings for the product carriers; and selecting one of the product carriers based on the appraisal (col. 7, line 45 to col. 8, line 65).

Re claim 8, King teaches financial product includes an insurance policy (fig. 1).

Re claim 9, King teaches insurance policy includes a life insurance policy (fig. 1).

Re claim 10, King teaches appraisal includes a verbal characterization or a final numerical rating for each of the proposals from the product carriers (figs. 2-3).

Re claims 11-42 and 44-55, King teaches a method as claimed in claims 1-10. Therefore the rationale applied in the rejection of claims 1-10 applies herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/
Primary Examiner, Art Unit 3695